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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,007	09/09/2003	Michal Hlavac	INGEENI-3	3503
7590 Pandiscio & Pandiscio, P.C. 470 Totten Pond Road Waltham, MA 02451-1914		12/31/2007	EXAMINER RADA, ALEX P	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/659,007

Applicant(s)

HLAVAC ET AL.

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/5/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the Request for Continued Examination filed October 29, 2007 wherein applicant amends claim 1, submits a corrected Declaration and Power of Attorney, and claims 1-8 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Rapoza et al. (US Patent No. 6,561,811).

Regarding claim 1, Rapoza discloses a method of providing a virtual world comprising a virtual environment (col. 7, lines 51-53), a plurality of virtual elements within the virtual environment, each of the virtual elements being able of interacting with other virtual elements in the virtual environment, as well as with the user (col. 8, lines 47-53; col. 12, line 64 – col. 13, line 10); wherein at least one of the virtual elements is a virtual character (col. 8, lines 51-53), the character having a behavior state (i.e., CHA, CON), an emotion state (i.e., CONF), and a learning state (i.e., INT) (col. 17, lines 39-48, lines 62+), and the learning state is capable of changing in response to commands from the user controls (e.g., col. 16, lines 60-67), *whereby the virtual character is capable of*

learning a new skill; teaching the individual a desired skill by inducing the individual to actively teach the desired skill to a virtual character within the virtual environment, wherein the teaching is effected by: prompting the individual to explicitly teach the desired skill to the virtual character within the virtual environment (col. 7, lines 54-57; col. 8, lines 21-46; and col. 12, lines 10-25); and providing a positive response to the individual when the virtual character learns the desired skill (col. 9, lines 3-7; col. 3, lines 10-13; col. 2, lines 58-59; col. 19, line 44-57; and col. 12, lines 10-25; wherein the desired skill are basic training skills needed for the virtual environment).

Regarding claims 2-3, Rapoza discloses that the instructions may be provided to a virtual character, where the instructions relate to the skill being taught to the user (col. 7, lines 54-57).

Regarding claims 4-5, Rapoza discloses that the instructions comprise direct (i.e., inducing an action by another character) and indirect (i.e., advice) instructions (col. 38, lines 22-37).

Regarding claim 6, Rapoza discloses that the indirect instructions may comprise providing an example (col. 38, lines 27-28).

Regarding claim 7, Rapoza discloses that the indirect instruction comprise creating an inference (col. 38, lines 28-30).

Regarding claim 8, Rapoza discloses that the virtual environment is configured so that additional virtual elements can be introduced into the environment (e.g., introducing cigarettes as a temptation to the user, col. 33, lines 45-60).

Response to Arguments

2. Applicant's arguments filed 29 October 2007 have been fully considered but they are not persuasive.

Applicant contends that the claim 1 as amended does not disclose the limitations that the virtual character is capable of learning a new skill.

The examiner respectfully disagrees. Rapoza discloses in column 12, lines 10-25, play begins with the training of basics skill that a player must choose to develop their player-character's abilities to ensure their own success and the success of any group the player-character might belong to. The skill sets they acquire will determine their likelihood of success at the various endeavors they subsequently choose to undertake.

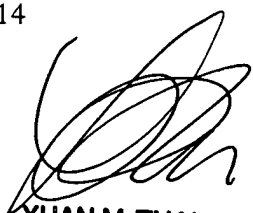
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


APR

Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714


XUAN M. THAI
SUPERVISORY PATENT EXAMINER